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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,207	11/09/2006	Georg Mayer	800.0105.U1(US)	3196
29683	7590	10/28/2010	EXAMINER	
HARRINGTON & SMITH			PHAM, TIMOTHY X	
4 RESEARCH DRIVE, Suite 202				
SHELTON, CT 06484-6212			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			10/28/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,207	Applicant(s) MAYER ET AL.	
	Examiner TIMOTHY PHAM	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13,16-19,21-23,34,39,44,46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13,16-19,21-23,34,39,44,46-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-11, 13, 16-19, 21-23, 34, 39, 44, 46-47 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1, 3-11, 13, 16-19, 21-23, 34, 39, 44, 46-47 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-11, 13, 16-19, 21-23, 34, 39, 44, and 46-47 are rejected under 35 U.S.C. 102(e) as being participated by Kastelewicz et al. (hereinafter “Kastelewicz”).

Regarding claims 1, 19, 21-23, 34, and 39, Kastelewicz discloses a method, an apparatus, a system, the method comprising:

receiving at a first network element in a communications network a first message from a user equipment (Fig. 2, step 5 “SIP Register 1”; paragraphs [0027]; [0029]; e.g., UE sends a first registration message "SIP REGISTER1" to the service network IMS);

transmitting the first message from the first network element to a serving network element (Fig. 2, steps 6 and 8; paragraph [0027]; e.g., The first registration message "SIP REGISTER1" is routed (arrows 5 to 8) to the switching center S-CSCF in the service network

Art Unit: 2617

IMS via further switching centers P-CSCF (P-CSCF=Proxy CSCF) and I-CSCF (I-CSCF=Interrogating CSCF));

detecting at the first network element that the serving network element is out of service (paragraphs [0028]-[0029], [0049], [0052]; e.g., When the token timer runs out (i.e. the predetermined validity period of the token has been exceeded), then the communication terminal UE can no longer be used for any further IMS services; therefore, it is characterized as the serving network element is out of service);

determining at the first network element a type of the first message, wherein determining the type of the first message comprises evaluating content of a predefined information element in the first message (paragraph [0049]; e.g., the communication terminal UE needs to be re-registered with the switching center S-CSCF again. Such re-registration differs from initial registration in that the (first) re-registration message SIP REGISTER sent in the process already contains a valid token);

in response to detecting at the first network element that the serving network element is out of service and to determining that the type of the first message is a re-registration request (paragraph [0049], e.g., re-registration differs from initial registration in that the (first) re-registration message SIP REGISTER), sending from the first network element to the user equipment an error message including an indication that the serving network element is out of service (Fig. 2, steps 11-13; paragraph [0029]-[0031]; e.g., the transport message "SIP 401 UNAUTHORIZED" is generated as a response message to the first registration message "SIP REGISTER1"); and

subsequent to sending the error message to the user equipment, receiving a second message having an initial registration type from the user equipment (paragraph [0032]; e.g., Following receipt of the response message SIP 401 UNAUTHORIZED, SIP registration is continued and a second registration message "SIP REGISTER2" is generated by the terminal UE; it is noted that the SIP REGISTER2 is an initial register different from the SIP REGISTER1).

Regarding claim 3, Kastelewicz discloses the method according to claim 1, wherein the second message is configured to initiate a registration from the user equipment to the first network element (Fig. 2 steps 15, 16, and 18; paragraph [0032]; e.g., this second registration message "SIP REGISTER2" is transmitted to the switching center S-CSCF in the service network IMS (arrows 15, 16 and 18).

Regarding claim 4, Kastelewicz discloses the method according to claim 1, wherein a bearer configured to signal is established between the user equipment and the communications network prior to the receiving of the first message (paragraphs [0028]-[0029]).

Regarding claim 5, Kastelewicz discloses the method according to claim 4, further comprising forwarding the first message to a further serving network element (paragraph [0027]; e.g., The first registration message "SIP REGISTER1" is routed (arrows 5 to 8) to the switching center S-CSCF in the service network IMS via further switching centers P-CSCF (P-CSCF=Proxy CSCF) and I-CSCF (I-CSCF=Interrogating CSCF)).

Regarding claim 6, Kastelewicz discloses the method according to claim 5, wherein the further serving network element registers the user equipment (paragraphs [0027]-[0028]).

Regarding claim 7, Kastelewicz discloses the method according to claim 4, wherein the bearer comprises a signalling or general purpose packet data protocol context bearer (paragraph [0022], e.g., a "PDP context" is produced and the gateway GPRS switching center GGSN).

Regarding claim 8, Kastelewicz discloses the method according to claim 1, wherein the communications network is an internet protocol multimedia subsystem network (Fig. 1, paragraphs [0018], [0021], e.g., IMS network).

Regarding claim 9, Kastelewicz discloses the method according to claim 1, wherein the first network element comprises an interrogating call session control function (Fig. 2; reference I-CSCF; paragraph [0027]).

Regarding claim 10, Kastelewicz discloses the method according to claim 1, wherein the first network element comprises a proxy call session control function (Fig. 2; reference P-CSCF; paragraph [0027]).

Regarding claim 11, Kastelewicz discloses the method according to claim 1, wherein the serving network element comprises a serving call session control function (Fig. 2; reference S-CSCF; paragraphs [0019], [0027]-[0032]).

Regarding claim 13, Kastelewicz discloses the method according to claim 1, wherein the detecting at the first network element that the serving network element is out of service comprises:

at least one of detecting that a predetermined time period has passed since the forwarding of the message from the first network element to the serving network element and before a response has been received from the serving network element (paragraphs [0047]-[0049]; e.g., When the token timer runs out (i.e. the predetermined validity period of the token has been

Art Unit: 2617

exceeded), then the communication terminal UE can no longer be used for any further IMS services), and

determining that the first message has been transmitted a predetermined number of times (paragraph [0047]; e.g., In order to maintain IMS registration for a longer period, the communication terminal UE needs to register again before the IMS registration period expires. This is called re-registration. Re-registration is carried out automatically by the terminal at cyclic intervals).

Regarding claim 16, Kastelewicz discloses the method according to claim 1, wherein the information element indicates that the first message is sent integrity protected (paragraphs [0018], [0021], e.g., A fundamental part of registering with the service network is authentication by the service network. This involves a user of the communication terminal being authenticated during registration of the communication terminal with the service network; therefore, it is integrity protected).

Regarding claim 17, Kastelewicz discloses the method according to claim 1, wherein the information element indicates that a user has been successfully authenticated (paragraphs 0018], [0021]-[0022]; e.g., The exemplary embodiment starts with a communication terminal UE (which can be the first communication terminal UE1 in FIG. 1, for example) signing into an access network, in this example into a GPRS access network. This involves GPRS user authentication being carried out).

Regarding claim 18, Kastelewicz discloses the method according to claim 1, wherein the information element in the first message is integrity protected flag in an authorization header of the first message (paragraphs [0003], [0010], e.g., token).

Regarding claim 22, Kastelewicz discloses the apparatus according to claim 21, wherein the controller is further configured to establish a bearer configured to signal between the apparatus and a communications network comprising said network element and said serving network element, and respond to the error message by dropping the bearer between the apparatus and the communications network (paragraphs [0047], [0052]; e.g., the communication terminal UE needs to register again before the IMS registration period expires; Therefore, the bearer is dropped between the session).

Claim 23 is rejected with the same reasons set forth to claim 7.

Claim 46 is rejected with the same reasons set forth to claim 13.

Claims 44 and 47 are drawn to a non-transitory computer readable medium configured to store instructions of a computer program that when executed controls a controller to perform steps of claim 1 above. Therefore, the same rationale applied to claim 1 applies. In addition, Kastelewicz inherently discloses a computer program product, i.e., given that Kastelewicz disclose a process, the process would be implemented by a processor that requires a computer program product, e.g., a RAM, to function.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY PHAM whose telephone number is (571)270-7115. The examiner can normally be reached on Monday-Friday; 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Timothy Pham/
Examiner, Art Unit 2617

/George Eng/
Supervisory Patent Examiner, Art Unit 2617